



INDIANA
STATE
POULTRY
ASSOCIATION

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Division of Dockets Management
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

[Docket Nos. 1996P-0418, 1997P-0197, 1998P-0203, and 2000N-0504]

Dear Sir or Madam:

The Indiana State Poultry Association represents over 95% of the state's egg and poultry producers. Indiana is the third largest egg producing state, thus this proposed rule will have a significant impact on our state.

I would like to focus your attention on the following points:

- Private or state egg safety plans should be considered as equivalent to or compliant with the FDA proposed rule.
- Inspections and enforcement should continue to be handled by current industry regulators on the state and federal levels. For example USDA, AMS is already on many farms for welfare and egg grading programs.
- The proposed rule should include vaccination as a recognized and valuable part of a *Salmonella enteritidis* control program. There should be incentives for vaccination.
- Egg diversion is not an "easy out" for Se. It is not easy and very expensive. Many industry customers will not accept egg products manufactured from shell eggs processed from a known Se (+) flock. No market will provide sufficient returns to recover the cost of production for diverted eggs. Pet food is not a realistic option, because Se (+) eggs would have to be run through the processing plant. Destruction may be the only alternative in most cases. Furthermore, the industry has made enormous changes since the original FDA action in 1992. To fully utilize their capital investment, most egg breaking plants process eggs from flocks specifically raised for that purpose. There is no excess breaking capacity available for diverted eggs.
- Destroying a Se (+) flock would be a devastating loss for even the largest of egg producing firms. Despite the FDA's limitations, producer indemnity programs provide the only viable response to the extraordinary risk producers would be subject to through this proposed regulation.

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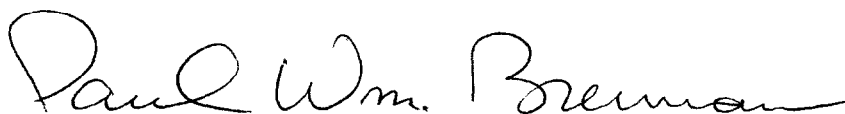
- There should be an approach where producers can follow protocols to decrease the testing requirements and thus reduce costs. The program should start by proving everything is done correctly, and then work down, rather than the reverse. Once we prove our own control programs work, the testing could be reduced.
- There should be no size threshold for the FDA rule. If the rule is imposed to protect food safety, than the size of the farm is irrelevant.
- We would better protect at-risk populations by requiring institutional food service operations catering to those groups to use pasteurized eggs which are readily available.
- Current refrigeration equipment is not designed for 45° F degrees. A shift from 55° to 45° F would require complete replacement of refrigeration equipment. Additionally at the 45° F, thermal checks and sweating are major problems for eggs arriving for processing. Once processed, the industry currently maintains a lower temperature for the eggs.
- Lab capacity needs to be considered. Environmental testing is one problem. However, if we have a Se (+), the volume of required egg testing may soon overwhelm a lab. Private and company labs are effective. There needs to be a lab recognition/certification program. Nationally, the NPIP plays a role in certifying labs within the states; this could be extended for the purposes of the FDA Egg Safety rule.
- The rule offers no provision for lab error. There should be a confirmation protocol for any initial environmental test.
- Wet cleaning should be an option, not a requirement. Wet cleaning can damage equipment and substantially reduce the useful life buildings. Some studies have shown that wet cleaning can increase instances of Se. Requiring such a process in the name of food safety would be counterproductive.

Members of the Indiana State Poultry Association are committed to producing wholesome, safe food products. Indiana's egg producers will comply with the law to the best of their ability. However, for them to survive, regulations must be fair, achievable, and science-based. Unfortunately, the egg industry cannot pass the increased costs on to the customer. It is the producer who will absorb the cost - if he can withstand it.

Thank you for the opportunity to comment. I hope you will be able to incorporate the suggestions above in your final rule.

Sincerely,

Indiana State Poultry Association



Paul Wm. Brennan
Executive Vice President